



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/445,974	06/21/2004	Josef Hasberg	016273-00120	1615
54487	7590	09/21/2006	EXAMINER	
JONES & SMITH, LLP THE RIVIANA BUILDING 2777 ALLEN PARKWAY, SUITE 800 HOUSTON, TX 77019-2141			LANGDON, EVAN H	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/445,974	Applicant(s) HASBERG, JOSEF	
	Examiner Evan H. Langdon	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the length-measuring device of claim 17, and the bit holder with a ball head of claim 25 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 26 is objected to because of the following informalities: the parenthetical reference to retaining member (18) should be changed to ---(19)---. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 1, the limitation “particularly flexible rods” renders the claims indefinite.

In regards to claim 11, the limitation “preferably” renders the claim indefinite.

Regarding claim 18, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3654

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 11-13, 17, 19-21, 23-25 are rejected under 35 U.S.C. 102(b) as being anticipate by CH 580 344.

CH '344 discloses pincers 1 for moving flexible strand material comprising a pincer body 1 having a longitudinally extending opening for receiving a part of the strand material, the pincer body having a handle 14 mounted for pivoting 16, which handle 14 is supported in the pincer body in such a way that it engages at least partially in the longitudinally extending opening of the pincer body when operated (Fig. 1), characterized in that the a drivable transport device (8,10,11,12,20 also see Figures 1 and 2) is arranged in the pincer body opposite handle 14.

In regards to claim 3-5 and 25, CH '344 discloses the transport device (8,10,11,12,20) has a shaft 12 for connection to a driving device 20, which shaft protrudes at least beyond one side face of the pincer body (Fig. 2).

In regards to claims 11 and 12, CH '344 discloses a guide 3,4.

In regards to claim 13, CH '344 discloses the pincer body comprises an elongated handle part 2 and a head part 1.

In regards to claim 19-21, CH '344 discloses the pincer body having two parallel side plates 1,6 and a guide tube 5.

In regards to claims 23 and 24, the handle 14 has a circular pressing section 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3654

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6-10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over CH '344 in view of Canfield (US 5,342,133).

Canfield teaches a pincers 30 for moving flexible strand material comprising a transport device configured as a driving belt 42, which is arranged to revolve in the longitudinal direction of the pincer body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transport device of CH '344 to include a driving belt 42 as suggested by Canfield, to better frictionally engage the material.

In regards to claims 6-10, Ch '344 as modified by Canfield teaches the belt as toothed and revolving around two driving rollers 36,38.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ch '344 as modified by Canfield as applied to claim 2 above, and further in view of Harada et al. (US 4,508,251).

Harada teaches a driving belt 22 having a recess corresponding to the contour of the strand material it is driving.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the belt of Ch '344 as modified by Canfield to include a recess as suggested by Harada, to better grip the strand material.

Claims 14, 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over CH '344 in view of Raney (US 2,718,376).

Art Unit: 3654

Raney teaches a pincer body able to be attached and fixed to a device via a bolt 10,12 laterally protruding from the body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pincer body of CH '344 to include attaching bolts as suggested by Raney, to enable a user to attach the pincer to a device so the user would not have to manually hold the pincer in place.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over CH '344 in view of Wright (US 2,606,466).

Wright teaches a pincer having a handle 20 that can be locked 45 in the pincer body in different positions 46.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of CH '344 to include a locking device as suggested by Wright, to enable the handle to be locked so the user would not have to manually hold the handle in position.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

Art Unit: 3654

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ehl


KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600